



FINDING RESPONSES TO TRANS-BORDER CRIME IN WEST AFRICA – THE ROLE OF PARLIAMENTS

REPORT

by Dr. Zeini MOULAYE

1. The Geneva Centre for the Democratic Control of Armed Forces (DCAF) and Friedrich-Ebert-Stiftung (FES) in collaboration with the ECOWAS Parliament, the National Assembly of Cote d'Ivoire, the African Security Sector Network (ASSN) and the West African Network on Security and Democratic Governance (WANSED) held in Abidjan, Cote d'Ivoire from 17-19 June 2009, a regional workshop on : **“Finding responses to trans-border crime in West Africa: the role of parliaments”**..
2. The aim of the Workshop was to look into the latest developments of trans-border crime and its impact in West Africa, to discuss recent approaches to combatting this kind of crime and in particular, to scrutinize the way in which sub-regional parliaments can contribute to the development of security policies and the actual oversight of the security sector.

A. THE OPENING CEREMONY

3. The opening ceremony was held within the premises of the National Assembly of Cote d'Ivoire and was chaired by the first Deputy House Speaker Mr. Kouame Richard. This ceremony consisted of four presentations: a welcome address by Mr. Yens-U Hettmann the resident representative of Friedrich-Ebert-Stiftung in Cote d'Ivoire, one address of thanks and a keynote speech delivered respectively by Mr. Jean-Jacques Gacond, Deputy Head of Operations for Africa and Middle East at DCAF and Mr. Sebastian Sperling, West Africa Security Policy Regional Coordinator at Friedrich-Ebert-Stiftung (FES) in Abuja, Nigeria and the opening remarks of the deputy House Speaker of the National Assembly of Cote d'Ivoire.
4. The proceedings of the Workshop continued at Ivetel Hotel, Abidjan according to the annexed agenda. These mainly consisted of presentations to provide food for thought.
5. Following the introduction of the Handbook jointly prepared by ECOWAS and DCAF for parliamentarians in the sub-region, the participants reviewed the latest developments of trans-border crime in West Africa, its repercussions, challenges and issues, the existing legal framework and the challenges of harmonization of international and regional treaties. They focused especially on the role of the security sector, national parliaments, and particularly of the ECOWAS Parliament in the fight against trans-border crime. The participants finally discussed approaches, preventive strategies and management of trans-border crime at the national as well as at the regional level. Within these approaches and strategies, is the reform of the Security Sector.

B. TRANS-BORDER CRIME IN WEST AFRICA

- **Security and legal challenges**
6. It was noted that organised crime occurs in West Africa in various forms: armed robbery, trafficking in stolen vehicles, cigarette or alcohol smuggling, drug trafficking, illicit trafficking of firearms, human trafficking, illicit trafficking in diamonds, corruption, business fraud and more recently cyber crime, piracy and terrorism, etc..

7. In this respect, trans-border crime can be defined as a set of criminal acts whose perpetrators and repercussions go beyond territorial borders. This form of crime dates back especially to 1990 with the outbreak and the heightening of political unrest, centres of tension, community disputes within a number of countries due to the way in which natural resources were managed, and the way in which rebellions and civil wars were handled. Such a situation eventually poisoned neighbouring relations, worsened existing poverty, and opened up avenues to criminal organizations that forged cross-border or even trans-national networks.
8. Trans-border crime is most often the work of networked gangs of traffickers that receive at times support locally and from well-structured sources across countries. The interrelation existing between these traffickers of all kinds and terrorists that plunder the Sahelian and Saharan strip is another illustration of the threats hanging over the sub-region, security-wise.
9. In the light of the foregoing, trans-border crime is a serious violation to human security, a threat to peace, social harmony, political stability, good governance, development and sub-regional integration. On these grounds, all the dimensions and sources of this crime must be forcefully combated. This can only be achieved through appropriate security, legal, political, economic, social and cultural strategies.
10. It was noted that over the recent years ECOWAS developed an array of legal instruments and strategies which could prove to be relevant, however, they are still inadequately applied. Hence the need to have them ratified and enforced to the letter to hopefully check trans-border crime. This is all the more required given the fact that the challenges related to trans-border crime are mammoth. This is all about social peace, human security, democracy, sub-regional development and integration.

C. THE ROLE OF THE SECURITY SECTOR IN THE FIGHT AGAINST TRANS-BORDER CRIME

11. Defence and security forces have a critical role to play with regard to the fight against trans-border crime. These forces should especially become aware of their republican responsibilities, enforce the Constitution and the Rule of law, and make use of security approaches, strategies and a normative framework involving major roles to be assigned to other security stakeholders.
12. Fighting against trans-border crime is actually contingent on a number of international and external factors including political will, in-depth assessment of state-controlled and sub-regional security systems, the initiation of popular discussions about national and regional security policies as part of the reform of the security sector, popular participation within the context of shared responsibilities as regards security matters, appropriate responses to institutional, operational and communication structural gaps, the support of development partners, linkages with strategic regional and international security frameworks.

D. THE ROLE OF PARLIAMENTS IN THE FIGHT AGAINST TRANS-BORDER CRIME

13. Admittedly, the fight against trans-border crime has always been the responsibility of governments, but the vast number of security issues and the never-ending appearance of new stakeholders pose the critical problem of parliaments' roles. Besides, in a case where security is only through the people and for the people, parliaments who proceed from popular votes should be capable of committing themselves further towards the fight against trans-border crime and become fully involved in security sector reform in the sub-region.

14. Several factors prompt parliaments to take a stance on security matters : the limits of traditional diplomacy in the face of multifaceted security issues, the inseparable nature of domestic and international policies, democratic requirements.
15. To inform, communicate, create awareness, bring people to understand the root causes and repercussions of trans-border crime, ensure the implementation of the most pertinent and sustainable solutions; this could become the credo of West African parliaments. In this regard, there is a need to :
 - ✓ *Further involve parliamentarians into security and defence governance;*
 - ✓ *Strengthen the analysis capacities of parliamentarians in order for them to efficiently have oversight of the security sector;*
 - ✓ *Develop the capacities of parliaments in terms of introducing bills relating to the security sector;*
 - ✓ *Improve communication within parliaments vis-à-vis national, regional and international opinion.*
16. In compliance with their mandates, parliamentarians should:
 - ✓ *Ensure the ratification and the harmonization of treaties and protocols relating to trans-border crime;*
 - ✓ *Further introduce relevant and binding bills relating to the fight against trans-border crime, especially in the area of human trafficking, drug trafficking and illegal firearms trade;*
 - ✓ *Contribute to the popularization of best practices related to security governance in the sub-region;*
 - ✓ *Lobby decision-makers and mobilize resources of technical and financial partners required in fighting trans-border crime and implementing security reforms within the entire region of ECOWAS.*

E. RESPONSES TO CHALLENGES RELATED TO TRANS-BORDER CRIME IN GENERAL

17. It was noted that the nature of trans-border crime is continually changing its nature, ways and means, and area of operation. Consequently, fighting against this form of crime requires permanent dialogue, appropriate joint actions, and sound cooperation on the part of defence and security forces, bilateral and especially multilateral cooperation. This does not require from ECOWAS member states unique fights, but rather the same understanding of security issues, joint border management and an overall collective security strategy.
18. The fight against trans-border crime should be arranged at both national and regional levels. In this respect, the Workshop suggested the following strategic actions and guidelines:
 - ✓ *Set up a permanent regional platform for discussions and cooperation dedicated to the fight against trans-border crime;*
 - ✓ *Strengthen the professionalization of security and defence forces and set up special units to fight trans-border crime;*
 - ✓ *Strengthen the operational capacities of defence and security forces in order for them to conduct concerted actions, in particular joint operations at border posts and along interregional axial highways;*
 - ✓ *Develop and implement national and operational action plans related to regional and international strategic frameworks with a view to fighting more efficiently against trans-border crime;*
 - ✓ *Strongly involve civil society organizations and local communities in the fight against trans-border crime.*

F. RESPONDING TO THE CHALLENGES RELATED TO TRANS-BORDER CRIME IN THREE CRITICAL DOMAINS

19. In order for them to work out some strategies to fight trans-border crime, the participants split into work groups that discussed three critical dimensions of trans-border crime: i.e. human trafficking, trafficking in small arms and light weapons and drug trafficking.

20. Further to the proceedings of the work groups, the Workshop made the following observations and recommendations:

➤ **HUMAN TRAFFICKING**

21. The Palermo Protocol (Art.3) defines trafficking in persons as consisting of the action of recruitment, transportation, transfer and harboring of persons by means of the threat of force, coercion, abduction, fraud, etc. for the purpose of exploitation which includes the prostitution of others, sexual exploitation, forced labor, slavery and other similar practices.

22. The said protocol speaks of trafficking in persons especially women and children due to their vulnerability worsened by poverty, lack of real business opportunities, insecurity and weak States. In the light of the magnitude of the this phenomenon and its repercussions, the Workshop recommended the following to:

○ **The ECOWAS Parliament**

- ✓ *Advocate in support of a law relating to human trafficking;*
- ✓ *Become involved so that the findings of community deliberations be passed on to national parliaments ;*
- ✓ *Ensure the harmonization of community laws with domestic legislations;*
- ✓ *Render binding the legislation on human trafficking;*
- ✓ *Assist National States in passing a law on human trafficking;*
- ✓ *Encourage civil society participation;*
- ✓ *Get involved in the creation of awareness amongst local populations as regards all the dimensions of the fight against human trafficking;*
- ✓ *Put in place a mechanism to follow up national reports on human trafficking through the holding of rotational sessions with the possibility for civil society organizations to provide reports challenging that of the government.*

● **ECOWAS member states**

- ✓ *To legislate about all the dimensions of human trafficking;*
- ✓ *Establish concerted actions among national agencies responsible for enforcing laws on human trafficking so as to ensure better monitoring;*
- ✓ *Put in place a reference system;*
- ✓ *Build up the capacities of the bodies in charge of fighting human trafficking;*
- ✓ *Establish mechanisms to meet the Millenium Development Goals (MDGs);*
- ✓ *Encourage civil society participation;*
- ✓ *Involve neighbouring communities within which human trafficking is carried out in terms of design, implementation and monitoring and evaluation for every initiative relating to human trafficking.*

➤ **DRUG TRAFFICKING**

● **Legislation**

- ✓ *Spelling out the legal framework to fight drug trafficking and make tentative amendments;*
- ✓ *Ratification of agreements and protocols;*
- ✓ *Introduce bills about specific problems.*

● **Oversight of the executive branch**

- ✓ *Advocate the implementation of the ECOWAS action plan;*

- ✓ *Advocate a budget fund to combat drug trafficking;*
 - ✓ *Have a right of inspection, investigation (through the setting up of an investigating committee) and inquiry as to the issue of drug trafficking;*
 - ✓ *Approach local communities and create awareness among them, taking into consideration their concerns in relation to drug trafficking;*
 - ✓ *Set up mechanisms to lodge complaints and make petitions;*
 - ✓ *Initiate networks of parliamentarians for the purpose of sharing information, best practices, and creating coalitions to order to put pressure on governments.*
- **Security Services**
 - ✓ *Building up the capacities:*
 - *By first of all ensuring that security services fully understand the drug-related issue locally and in West Africa;*
 - *By providing targeted and adequate training.*
 - ✓ *Setting up well-equipped and well-paid specialized units so as to fight drug trafficking efficiently (as in the case in Nigeria);*
 - ✓ *To conduct a thorough investigation on newly-recruited staff to avert being infiltrated by criminals.*
- **Civil Society**
 - ✓ *Provide security officers with reliable information;*
 - ✓ *Advocate (put pressure on governments for them to ratify international agreements to ensure good governance of the security sector);*
 - ✓ *Demonstrate transparency as part of fund mobilization among civil society stakeholders;*
 - ✓ *Organize awareness and preventive campaigns about the havocs created by drug trafficking.*
 - **Judiciary**
 - ✓ *Cooperation with the parliamentarians and security agencies;*
 - ✓ *Firm and fair judges making appropriate judgements;*
 - ✓ *Avoid corruption and compromise while administering criminal justice.*
 - **Financial Services**
 - ✓ *To investigate to know clients better;*
 - ✓ *To comply with legislations cracking down on money laundering.*

➤ **TRAFFICKING IN SMALL ARMS AND LIGHT WEAPONS**

- **Parliamentarians**
 - ✓ *Bring the attention of governments towards providing national committees fighting SALW (COMNAT) with the required resources to perform their operations;*
 - ✓ *Establish a network of parliamentarians on SALW;*
 - ✓ *Spread and popularize the ECOWAS Convention on SALW;*
 - ✓ *Develop a package in support of the efficient enforcement of the ECOWAS Convention on SALW provisions;*
 - ✓ *Call the attention of governments towards the provision of resources to secure domestic borders;*
 - ✓ *Initiate or strengthen cooperation among the parliaments of the various countries in the sub- region, other African regional groups and the European Union (E.U);*
 - ✓ *Join the efforts aimed at creating awareness in local populations about the dangers that SALWs represent ;*
 - ✓ *Update and harmonize legislations on SALW ;*
 - ✓ *See to it that good governance, democracy and the Rule of Law are complied with for the purpose of eradicating poverty and fighting trafficking in SALW;*
 - ✓ *Ensure the sustainability of training on SALW;*

- ✓ *Parliamentarians should work towards learning more about their roles and prerogatives and expertise on SALW-related issues;*
- **Governments**
 - ✓ *Provide COMNAT with human, material and financial resources to achieve their activities, especially conducting national investigations and ensuring data collection relating to SALW ;*
 - ✓ *Make available to parliamentarians information relating to SALW ;*
 - ✓ *Make sure that the Treaties signed have been duly approved by their respective parliaments;*
 - ✓ *Upgrade parliamentarians on security and SALW issues;*
 - ✓ *Take stock of and prepare a reliable register of local arms vendors, brokers and manufacturers;*
 - ✓ *Establish reliable databases on SALW ;*
 - ✓ *Train security officers and improve their living conditions by means of salary increments; train them as professionals especially by ensuring the enforcement of the provisions of a Code of Conduct for Defense and Security Forces (DSF);*
 - ✓ *Ensure the follow-up, traceability and destruction of arms seized as part of peace-keeping operations;*
 - ✓ *Build up the capacities of parliamentarians in the area of New Information and Communication Technologies (NICT) for better information sharing on SALW;*
 - ✓ *Fight against impunity through greater transparency as regards the carrying-out of penalties on DSF who perpetrated crimes;*
- **ECOWAS Commission**
 - ✓ *Move towards greater regional and African cooperation like the E.U to lead to free movement of goods and persons, a common security policy, a single currency and a single parliament (to address also to member states, who at the moment hold the decision-making power;);*
 - ✓ *Have ECOWAS parliamentarians be elected through universal suffrage (by 2010);*
 - ✓ *Promote legislations developed and endorsed by ECOWAS ; and popularize ECOWAS Conventions to the other African regions;*
 - ✓ *Seek to mobilize the resources required for the setting up of the bodies to secure African integration ;*
 - ✓ *Disseminate legislations and statutory instruments relating to SALW ;*
 - ✓ *Involve parliamentarians in the activities of the Small Arms Unit and ECOSAP ;*
 - ✓ *Train parliamentarians and civil society organizations on controlling techniques relating to SALW ;*
- **Civil Society**
 - ✓ *Involve parliamentarians in awareness campaigns on SALW.*

G. REFORMING THE SECURITY SECTOR

23. The overall assessment of the security sector in West Africa has highlighted a number of structural lapses and shortcomings, particularly a chronic lack of vision and governance.
24. In order to bridge these gaps, the Workshop aimed at the implementation of security sector reform across the entire ECOWAS region on the basis of a participatory approach with a view of shared governance of security among all actors of the security sector;
25. The reform should mainstream the security sector into overall democratic governance so as to help the establishment of a peaceful, secure and stable environment in support of the economic and social development of the sub-region.

Done in Abidjan, 19 June 2009.
The Workshop

Workshop Programme

Day One (17/06/09): Introduction to the topic – The scope of the challenge

07:30– 08:15	Transfer from Ivotel Hotel to National Assembly Cote d’Ivoire
08:15-08:30	Arrival of participants and guests at Rotonde
08:30-08:40	Presidential entrance
08:40-09:40	Official Opening ceremony
	Welcome and Objectives of the Workshop
	Chair: Hon. Mamadou Koulibaly, Speaker, National Parliament Côte d’Ivoire
	By:
	<ul style="list-style-type: none">• Mr. Jens Hettmann, Resident Representative, FES Cote d’Ivoire• Dr. Jean-Jacques Gacond, Deputy Head of Operations Africa & Middle East, DCAF• Mr. Sebastian Sperling, Regional Coordinator, FES Security Policy Project West Africa (FES)• Hon. Prof. Mamadou Koulibaly, Speaker, National Parliament Côte d’Ivoire
09:30-09:45	Transfer from National Assembly, Cote d’Ivoire to Ivotel Hotel
09:45-10:15	Cocktail (Salle MAKORE)/ Registration of Participants (Secretariat)
10:15-10:30	Arrival of participants at Salle FROMAGER in Ivotel Hotel
10:30-11:00	Introduction to the Project of an ECOWAS- DCAF Handbook for West African Parliamentarians
	Chair/ Moderator: Mr. Sebastian Sperling
	<u>Speaker</u> : Jean-Jacques Gacond, Deputy Head of Operations Africa & Middle East, DCAF
11:00-12:15	Introductory Session: Trans-border Crime in West-Africa and the Role of Parliaments in Finding Solutions
	Chair/ Moderator: Hon. Privat Seri Bi N’Guessan
	<u>Topic 1</u> : Dynamics, Trends and impacts of Trans-border Crime in West Africa by Prof Etannibi Alemika, WANSSED, (University of Jos)
	<u>Topic 2</u> : The Role of Parliaments in Fighting Trans-border crime and ensuring Security by Hon. Dr. Bruno Ayitou Singo, Chairman, Committee on Legal and

12:15- 13:30	Lunch (Salle MAKORE)
13:30-14:15	Session I: Challenges in translating international and regional treaties into national laws Chair/ Moderator: Prof. Felix Acka, WANSED, (AIDD) <u>Topic 1:</u> Introduction to international treaties and regional protocols and their adoption in West Africa by Prof. Felix Acka, WANSED (AIDD) <u>Topic 2:</u> Challenges to domesticating international treaties and to crafting national laws to fight trans-national crime <ul style="list-style-type: none">○ Hon. Adamu, Chair Committee on Navy, National Assembly of Nigeria and DCAF Handbook contributor○ Hon. Ndiawar Wade, National Assembly, Senegal
14:15-15:00	Discussion
15:00-15:30	Coffee Break (Salle MAKORE)
15:30-16:30	Session II: The Role of the Security Sector in Fighting Trans-border Crime Chair/ Moderator: Mr. A. K. Takyi, Director, Ghana Immigration Service <u>Topic:</u> Integrated Joint Border Management strategies – Opportunities and Challenges to Regional Responses, <ul style="list-style-type: none">• Introduction by: Kemi Asiwaju, CLEEN• An analysis of current practices by:<ul style="list-style-type: none">○ Prof. Agokla, ASSEREP Project Coordinator, UNREC○ Mr. P.K. Agblor, Chief INTERPOL Sub-regional Office Abidjan
16.30-17:30	Discussion
19:00	Depart to Aboussouan restaurant from Ivotel Hotel
19.30	Welcome Dinner

Day Two (18/06/09): Identifying responses in three critical areas: Small Arms and Light Weapons (SALW), Human Trafficking and Drug Trafficking

09:00- 9:30	Summary of Day One and Objectives for Day Two Chair/ Moderator: Sebastian Sperling
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	Speaker: Rapporteur
9:30-11:00	<p>Session III: Human Trafficking</p> <p>Chair/ Moderator: Dr. Franca Attah, University of Lagos.</p> <p><u>Topic 1:</u> Preventing Trafficking and Protecting Victims: What has Been Done by Olatunde Olayemi, Commission on Human Development and Gender, ECOWAS (15 min)</p> <p><u>Topic 2:</u> Human Trafficking in West Africa: Issue and Challenges by Teresa Plana IOM</p> <p>Discussion (45 Min)</p>
11:00-11:30	Coffee Break (Salle MAKORE)
11:30-13:00	<p>Session IV: Trafficking of Small Arms and Light Weapons</p> <p>Chair/ Moderator : Mr. Mohamed Coulibaly, ECOSAP</p> <p><u>Participants:</u></p> <ul style="list-style-type: none"> • Hon. Balado Manu, Chairman PAPS Committee, ECOWAS Parliament • Col. Niang, SG Commission on Small Arms and Light Weapons; Director Judicial Services, Ministry of Armed Forces, Senegal • Mrs. Michèle Pépé, Chair, Réseau d'action sur les armes légères en Afrique de l'ouest Section Côte d'Ivoire (RASALAO-CI)
13:00 - 14:30	Lunch Break (Salle MAKORE)
14:30 - 15:50	<p>Session V: Drug Trafficking</p> <p><u>Chair/ Moderator:</u> Mrs. Aissatou Fall, WANSED (KAIPTC)</p> <p><u>Topic 1:</u> Scope and Patterns of Drug Trafficking in West Africa and Global Trends, Mr. Cyriaque Sobtafa (UNODC) 15 min</p> <p><u>Topic 2:</u> Drugs, politics and governance – recent trends and concerns by: Col. Ndoye, ECOWAS Commission (PPO Police, PAPS) (15 min)</p> <p>Discussion (50 min)</p>
15:50 - 16:00	Choice of Group work
16:00-16:15	Coffee Break (Salle MAKORE)
16:15- 17:45	<p>Session VI: Working Groups: Development of Policy Briefs</p> <p>Group 1: Human Trafficking Chair: Dr. Franca Attah, University of Lagos</p> <p>Group 2: Arms Trafficking Chair: Mr. Mohamed Coulibaly, ECOSAP</p>

Group 3: Drug Trafficking
Chair: Mrs Aissatou Fall, WANSED (KA IPTC)

Based on the plenary sessions, participants are asked to develop policy briefs on the three topics, highlighting specific challenges for various actors, with a special focus on parliaments.

Day Three (19/06/09): Conclusions

9.30 – 10.30	Session VII: Conclusions Working Groups Presentation – Policy Briefs (10 min each, plus Q&A) <u>President/ Moderator:</u> Hon. Rabe Nasir
10.30–11.00	Summary: Trans-border Crime and the Role of Parliaments - An Agenda for Security Sector Reform <u>Speaker:</u> Dr. Zeini Moulaye, WANSED (UNDP)
11:00-11:15	Coffee Break (Salle MAKORE)
11:15-12:15	Concluding Plenary Discussion: Challenges and Prospects
12:15-12.45	Evaluation of the workshop
12:45-13:15	Closing Ceremony
13:15-14:30	Lunch (Salle MAKORE)
14:30 - 15:00	Press Conference